

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to fig. 20. This sheet, which includes Fig 20 replaces the original sheet including Fig. 20. In Fig. 20, previously labeled 1416b has been amended to read 1410b. This amended is due to a previous clerical error.

Attachment: Replacement sheet

## **REMARKS**

This Application has been carefully reviewed in light of the Non-Final Office Action mailed January 26, 2009. At the time of the Office Action, Claims 1-20 were pending and rejected in this Application. Claims 1, 8, and 20 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. § 102**

Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,210,405 by Goble et al. ("Goble"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

With regard to claim 1, the cited reference does not describe a treatment surface disposed on the electrode support wherein the at least one active terminal protrudes from the treatment surface, and wherein each of the at least one active electrode terminal has an electrode lumen through the treatment surface. Additionally, the cited reference does not describe at least one active electrode terminal comprising a body having a substantially cylindrical wall and a suction opening longitudinally formed in the wall, the suction opening laterally oriented on the cylindrical wall of the body and in communication with the electrode lumen.

As such, the cited reference does not describe each and every element as set forth in amended claim 1. Therefore the cited references cannot anticipate claims 1 as amended. For at least these reasons, Applicants respectfully submit that claim 1 is in condition for allowance, and request withdrawal of the rejection.

Claims 2-19 all depend either directly or indirectly from claim 1 and Applicants repeat and hereby incorporate the comments made above with regard to amended claim 1. For at least these reasons, Applicants submit that claims 2-19 are in condition for allowance and request withdrawal of the rejection.

With regard to claim 20, the cited reference does not describe providing an electrosurgical probe having an active electrode assembly and a return electrode, the active electrode assembly comprising at least one active electrode terminal protruding from a treatment surface of an electrode support, and the at least one electrode terminal including a body, the body having a substantially cylindrical wall defining an electrode lumen, the electrode lumen terminating in an electrode port and the wall having a laterally oriented suction opening longitudinally formed in the wall. Additionally the cited reference does not describe aspirating through the electrode port and suction opening of the electrode lumen and into a suction cavity disposed in the electrode support.

As such, the cited reference does not describe each and every element as set forth in amended claim 20. Therefore the cited references cannot anticipate claims 20 as amended. For at least these reasons, Applicants respectfully submit that claim 20 is in condition for allowance, and request withdrawal of the rejection.

**Information Disclosure Statement**

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

## CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$180 for the IDS and any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.358.5925.

Respectfully submitted  
Attorney for Applicants,



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Date: 4/27/09

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Enclosure: 1) Information Disclosure Statement and PTO Form 1449, with copies of the references.